

**Big Cypress National Preserve
ORV Advisory Committee Meeting
April 22, 2014**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee held their regularly scheduled meeting on April 22, 2014, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 p.m. by J. D. Lee, Acting BICY Superintendent.

Committee Members Present: Franklin Adams, David Denham, John Adornato, Barbara Jean Powell, Brad Cornell, Dennis Wilson, Chuck Hampton, Wayne Jenkins, Karl Greer, Laurie Macdonald, Manley Fuller, Win Everham, Jenny Richards, Jorge Gutierrez, Brendan Barry, Mike Duever, Ed Carlson. **BICY Staff Present:** J. D. Lee, Randy Effert, Damon Doumlele, David Hamm, Bob DeGross, Steve Schulze, Renee Mackenzie, David Fireman, Ron Clark, Nikita Carty, Deborah Jansen, Luke Conrad, Matt Weisner.

Approximately 15 members of the public were present.

The meeting was facilitated by Delia Clark.

J. D. Lee opened the meeting by welcoming the attendees and explaining that the committee was established to advise the Preserve on issues pertaining to ORV management. He turned the meeting over to Ms. Clark, who went over the agenda and said that there would be two general public comment periods. She noted that the meeting was being videotaped.

Approval of Minutes. The minutes of the August 28, 2013, meeting were approved as presented.

Introduction of New Members. Mr. Lee introduced new members Ed Carlson, Brendan Barry, and Mike Duever. Reappointments were Franklin Adams, Jorge Gutierrez, Barbara Jean Powell, and Brad Cornell.

Mr. Carlson grew up in Miami and started exploring the Big Cypress in the 1960s. He worked at Corkscrew Swamp Sanctuary after finishing high school and participated in the BICY resource inventory in the 1970s with Mike Duever, as well as the first BICY ORV impact studies. He recently retired after 28 years as manager of the Sanctuary.

Mr. Barry lives in Sea Ranch Lakes, Florida, and is a board-certified real estate lawyer. He is a second-generation landowner in the Addition.

Dr. Duever is an ecologist and grew up in Chicago. He arrived at Corkscrew Swamp Sanctuary in 1973 and worked for the National Audubon Society for 20 years. He worked for Disney World and Preserve for seven years on restoration. Thirteen years ago he returned to southwest Florida and worked on the Southwest Florida Feasibility Study and the Picayune restoration.

Preserve Updates. Ron Clark gave updates on the Hunting Management Plan and oil and gas operations. The Hunting Management Plan arose out of the need to marry hunting requirements in the original Preserve and the Addition into one document. The plan describes three alternatives, with the selected alternative allowing hunting in both portions of the Preserve under an adaptive management process. The plan has been finalized and BICY is awaiting concurrence from the U.S. Fish and Wildlife Service. Once concurrence is received, BICY will prepare a findings statement for NPS Regional Director approval.

Concerning oil and gas, Mr. Clark explained that the legislation creating the Preserve and Addition separated the mineral estate from the surface estate, and there was a mandate from Congress that the Department of the Interior would not own the mineral estate. There are two wellfields operating in the Preserve, at Raccoon Point and Bear Island. In January an applicant proposed to conduct seismic exploration in an area over 360 square miles, a third of the Preserve. The technique would involve a vehicle that would lower a plate to the ground and vibrate, sending signals to receiver phones. The data would be used to determine if and where oil and gas formations are present. The applicant has provided the NPS a plan of operations that is deficient, and BICY has notified the applicant that additional information must be supplied before the plan can move forward.

Damon Doumlele updated the committee on two draft air tour voluntary agreements that are available for public review. He explained that BICY initiated preparation of an Air Tour Management Plan in 2010 as required by the National Parks Air Tour Management Act. In 2012 Congress amended the Act to allow parks to enter into voluntary agreements with air tour operators under certain conditions. BICY decided to enter into a voluntary agreement with Wings, the existing air tour operator, and a second operator, Miami Seaplane Tours, who is interested in conducting tours over BICY. Wings has interim operating authority from the Federal Aviation Administration to conduct 1,260 annual tours over the Preserve. Once the voluntary agreement is executed, that figure will drop to 720. The draft voluntary agreement for Miami Seaplanes stipulates 252 annual tours.

Proposed Deer Research Project. Elina Garrison of the Florida Fish and Wildlife Conservation Commission (FWC) gave a history of deer and panther population trends in south Florida for the last several decades. Since 2000, the deer population in the Stairsteps Unit has declined, possibly due to changes in hydrology or increased predation pressure. FWC has proposed a comprehensive deer study that will provide updated deer population information and a better way to monitor deer density in order to do science-based management. The study area will include the Florida Panther National Wildlife Refuge and the Bear Island and north Addition areas of BICY. The study, which will involve camera traps and radio-collaring of deer, will start in January 2015 and last 4-5 years.

General Public Comment. Lyle McCandless (Big Cypress Sportsmen's Alliance) said that the public was not involved in the original wording for secondary trails or backcountry camping. His suggested definition of secondary trails was, "those trails running off primary trails to access areas of the Preserve not accessible by the primary ORV trail system." He suggested that backcountry camping be allowed in all units of the existing Preserve and Addition lands, including all walk-in areas of the Preserve.

Shannon Larsen said she was perplexed that when new members are brought on to the committee that there is never a person of color or a native person. She requested clarification concerning a letter from Dan Kimball and Pedro Ramos to the Council of the Original Miccosukee Simanolee Nation stating that motorized access into the backcountry was restricted and removal of plants and animals was prohibited.

Bobby C. Billie said that you can never own the land; the land owns you. We should stop destroying nature and what God has given us.

Charles Barley said that common sense and elevation should guide decisions concerning closure of secondary trails. Closing of secondary trails on high ground would be like closing 1,000 campgrounds.

Donnie McDowell stated that he had lived here all his life and offered his input and help to the committee.

Backcountry Access Plan Status. Bob DeGross presented an update on the Backcountry Access Plan and gave background information for the benefit of the new committee members. In December 2012 BICY received a notice of intent from several groups claiming that secondary trail implementation was outside the context of the ORV Management Plan. BICY agreed to close some of the trails and analyze them through the NEPA process, i.e., the Backcountry Access Plan. One of the main objectives of the plan is to clearly define some of the subjective issues described in the ORV plan. A public comment period is open until May 11. Once the public comments have been received and analyzed, the NPS will hold an internal workshop to draft alternatives. The NPS will present the draft alternatives to the public and hold public meetings on the alternatives in the fall. The goal is to complete the plan by early 2016.

ORV Education and Orientation Status. Mr. DeGross reminded the committee that at the last meeting a briefing was given on the education and orientation process and materials being developed, including details related to the kiosks at the ORV access points. Some of the information panels have been installed. Another item is the ORV operator training course, for which Mr. DeGross said he would like input from the Education Subcommittee before the end of June. The subcommittee consists of Ms. Powell, Win Everham, Chuck Hampton, and John Adornato.

Vehicle Specifications. David Fireman discussed the proposed NPS response to the vehicle specifications recommendations given at the last committee meeting and said that staff agreed with most of the recommendations. The NPS was interested in receiving more committee and public comment on its proposed response before making a final decision. Mr. Fireman referred to the following sections in the committee's memorandum to the superintendent (see attachment):

Section 1 (grandfathering of vehicles): The NPS will make every effort to grandfather all previously permitted vehicles.

Section 2 (appropriate and inappropriate vehicle use): The NPS agreed.

Vehicle classes:

Class A (airboats): The NPS agreed.

Class B (swamp buggies): The NPS agreed, except for allowance of two-wheel-drive buggies. The four-wheel-drive requirement should remain.

The NPS agreed with the remaining vehicle class recommendations.

Per Dennis Wilson's suggestion, Mr. Fireman agreed to clarify that in vehicle classes C and E possession of VIN and title would be at the time of permitting, not in the backcountry. Dr. Everham recommended revisiting vehicle specifications on a regular basis, and Mr. Fireman said that was a great idea. Mr. Hampton recommended requiring safety flags and poles for four-wheelers and side-by-sides, and Mr. Fireman said that it would be addressed. Mr. Fireman also stated that accommodations for disabled operators would be made on a case-by-case basis. He agreed to bring to the next meeting data on the numbers of the various types of vehicles being permitted.

General Public Comment. Buster Miller said that he had 40 years of experience in two-wheel-drive buggies. He disagreed with the NPS statement that such vehicles would be grandfathered. He also disagreed with the NPS contention that the front tires of two-wheel-drive buggies will "plow the mud." He was dissatisfied with new rules governing Bear Island Campground during hunting season.

Phillip Smith suggested doing away with calling trails primary and secondary and just calling them trails.

Donnie McDowell said he has had two-wheel- and four-wheel-drive buggies and does not believe the two-wheel-drive buggies are bad; it is all about the driver. When he was growing up, buggies were only used to get from one spot to another. Now that trails are designated, it does not matter what kind of vehicle is out there. Since the permit fee was increased, fewer vehicles are being permitted, and people such as him who own multiple vehicles are not permitted all of them as they used to be.

Charles Barley said that NPS law enforcement looks at things through a certain lens. The committee was his hope that reasonable public input could be put into this. He asked the committee to encourage law enforcement to be more reasonable and to exercise more latitude.

Bobby C. Billie said he was taught to collect only what he needs, not for sport or enjoyment. He abides by natural, not manmade law. He said he has more rights than anyone in the room and cannot be told what he cannot do.

Shannon Larsen said that she hopes everyone will take the fracking issue seriously. The oil companies are exempt from the Clean Water Act and are displacing whole families because no one can drink the water. She is working with others to ban fracking in Florida. We are quickly moving towards "eco-genocide." Nature has rights, and we deny those rights all the time.

Lyle McCandless (Big Cypress Sportsmen's Alliance) predicted that ORV permits would be down 30% in 2014 due to the increased permit fee. He supported two-wheel-drive swamp buggies, past, present, and future. He supported the recommendation that all ATVs be four-wheel-drive capable and was against the driver license requirement for ORVs. He was against the requirement for a three-year inspection for buggies. He saw very little public input into the final decision on the Addition General Management Plan.

Shawn Beightol wanted access protected. It is not the government's place to legislate every nuance of life. If the government wants to really help, it should put money into education on hunting, safety, respect, etc.

Committee Open Discussion, Wrap-up, and Proposals for Agenda for Next Meeting.

Dr. Everham suggested two items for the October meeting: 1) an update on the Backcountry Access Plan and 2) revisiting the driver license requirement in the ORV management plan.

Wayne Jenkins asked the NPS to reconsider the two-wheel-drive buggy issue. At the next meeting he would like a report on the number of hunters checking in to the Bear Island check station this year to see if the changes in camping procedures in that unit are restricting hunters.

Mr. Wilson wanted to discuss at the next meeting exactly what are secondary trails and destinations.

The meeting adjourned at 8 pm.

MEMO

To: J.D. Lee, Acting Superintendent, Big Cypress National Preserve (BICY)
From: Big Cypress Off-Road Vehicle Advisory Committee (ORVAC)
Re: Recommendation for Vehicle Specifications for the ORV Trail System
Date: March 20, 2014

At its August 28, 2013 meeting, the ORVAC concluded a round of discussions related to recommendations for vehicle specifications for use on the Big Cypress National Preserve off-road vehicle trail system. These discussions were informed by the thoughtful work of the BICY ORVAC Vehicle Specifications Subcommittee. Through these discussions we developed the following recommendations for your consideration, with the understanding that, as always, your staff will be assessing the viability of these recommendations through careful ground-truthing. We look forward to hearing your thoughts.

The ORVAC recommends the following:

1. That the following language be included in the ATV/Class C category related to the proposed 4-wheel drive capable requirement, assuming that this language will be modified by NPS to be in accordance with state and federal statutes: *"Exceptions for the disabled are possible on a case-by-case basis, consistent with federal statutes."*
2. That vehicle specifications for all classes of vehicles include the following guidance as to operation expectations: *"Vehicle operation must be consistent with the Preserve's Appropriate and Inappropriate Use Statement, so as to assure resource and infrastructure sustainability."* The ORVAC recommends that BICY continue appropriate education, training and enforcement to assure compliance.
3. That BICY adopt the following revised vehicle class descriptions:

Class A Vehicles: Airboats

- Working white aft light to be seen 360-degrees
- Hull length 14' maximum, excluding grass rake
- Width 8' maximum, measured horizontally at the break
- Must have an automotive-style factory muffler, per Florida Statute 327.391
- Minimum of 6-inch FL numbers displayed on each side of the bow OR minimum 6" FL numbers displayed on each side of the rudders.
- Orange safety flag 10" x 12" or larger flown at least 10-feet above the lowest part of the vessel and visible from any direction.
- Fire extinguisher
- Personal flotation devices (Life Jackets)
- Port and starboard lights (Coast Guard requirement)
- Hull identification number

Class B Vehicles: Swamp Buggies

- Tire width minimum of 9-inches on front, and 12-inches on rear of all buggies, with the exception of previously permitted vehicles with at least 9-inch rear wheels
- Width 8-feet maximum
- Working white headlight(s)
- Working red tail light
- Working muffler, engine sound not to exceed 60 decibels at 50-feet
- Class B includes vehicles that are unclassifiable under vehicle categories A, C, D, or E

Class C Vehicles: All-Terrain Vehicles

- Front tires 7-inch minimum
- Rear tires 9-inch minimum
- Working white headlight
- Working red tail light
- VIN number and title
- Working muffler, engine sound not to exceed 60 decibels at 50-feet
- Four-wheel drive capable

Class D Vehicles: Street Legal 4 x 4

- All tires 9-inch minimum
- Working white headlights
- Working red tail lights
- Four-wheel drive capable
- Working muffler, engine sound not to exceed 60 decibels at 50-feet
- Current registration, insurance and VIN number

Class E Vehicles: Utility Terrain Vehicle (UTV)/Side-by-side

Note: The ORVAC recommends that these vehicles be moved from Class B Swamp Buggies to the new Class E.

- All tires minimum 9-inches
- Working white headlight(s)
- Working red tail light
- Width 8-foot maximum
- Working muffler, engine sound not to exceed 60 decibels at 50-feet
- VIN number and title
- Four-wheel drive capable